



RCE 77W

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450

Application No. 09/753,347
Filing Date December 29, 2000
First Named Inventor William D. Rupp
Art Unit 3624
Examiner Name Patel, Jagdish
Attorney Docket No. 03660.P019X3

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See instruction sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 C.F.R. § 1.114** – Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
 - a. ☐ Previously submitted If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
 - i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
 - ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 - iii. ☐ Other _____
 - b. ☒ Enclosed
 - i. ☒ Amendment/Reply
 - ii. ☐ Affidavit(s)/Declaration(s)
 - iii. ☐ Information Disclosure Statement (IDS)
 - iv. ☐ Other _____
2. **Miscellaneous**
 - a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months. Fee under 37 C.F.R. § 1.17(l) required)
 - b. ☐ Other _____
3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by C.F.R. § 1.114 when the RCE is filed.
 - a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 02-2666
 - i. ☐ RCE fee required under 37 C.F.R. § 1.17(e)
 - ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
 - iii. ☐ Processing fee under 37 CFR § 1.17(i) for Limited Suspension of Action
 - iv. ☒ Other any fees not covered by the enclosed check.
 - b. ☒ Check in the amount of \$ 790.00 enclosed
 - c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type) Marina Portnova Registration No. (Attorney/Agent) 45,750
Signature M. Portnova Date September 11, 2006

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:

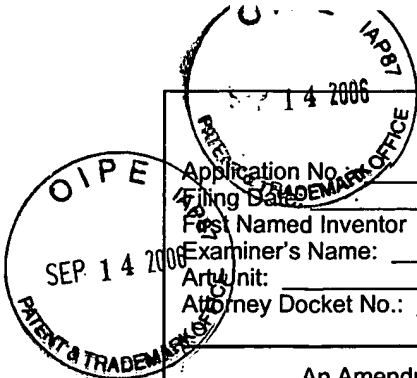
Name (Print/Type) Michelle Begay ✓
Signature Michelle Begay Date September 11, 2006

Express Mail No. (only if applicable): _____

The PTO did not receive the following listed item(s) check \$790.00

09/15/2006 RFEKADU1 00000013 026666 09753347

790.00 DA 01 FC:1801

**AMENDMENT TRANSMITTAL****PATENT**

Application No. 09/753,347
Filing Date December 29, 2000
First Named Inventor William D. Rupp
Examiner's Name: Patel, Jagdish
Art Unit: 3624
Attorney Docket No.: 03660.P019X3

- ☐ An Amendment After Final Action (37 CFR 1.116) is attached and applicant(s) request expedited action.
- ☒ Charge any fee not covered by any check submitted to Deposit Account No. 02-2666.
- ☒ Applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 CFR 1.16 and 1.17, for any concurrent or future reply to Deposit Account No. 02-2666.
- ☐ Applicant(s) claim small entity status (37 CFR 1.27).

ATTACHMENTS

- ☐ Preliminary Amendment
- ☒ Amendment/Response with respect to Office Action
- ☐ Amendment/Response After Final Action (37 CFR 1.116) (reminder: consider filing a Notice of Appeal)
- ☐ Notice of Appeal
- ☒ RCE (Request for Continued Examination)
- ☐ Supplemental Declaration
- ☐ Terminal Disclaimer (reminder: if executed by an attorney, the attorney must be properly of record)
- ☒ Information Disclosure Statement (IDS) & 1449 form
- ☐ Copies of IDS citations
- ☐ Petition for Extension of Time (2 months)
- ☒ Fee Transmittal Document (that includes a fee calculation based on the type and number of claims)
- ☐ Cross-Reference to Related Application(s)
- ☐ Certified Copy of Priority Document
- ☐ Other: _____
- ☐ Other: _____
- ☐ Check(s) \$ _____
- ☒ Postcard (Return Receipt)

SUBMITTED BY:

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
TYPED OR PRINTED NAME: Marina Portnova
SIGNATURE: *M. Portnova*
REG. NO.: 45,750
DATE: September 11, 2006
ADDRESS: 12400 Wilshire Boulevard, Seventh Floor
Los Angeles, California 90025
TELEPHONE NO.: (408) 720-8300

CERTIFICATE OF MAILING BY FIRST CLASS MAIL (if applicable)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria Virginia 22313-1450 on September 11, 2006

Date of Deposit

Michelle Begay

Signature

Name of Person Mailing Correspondence

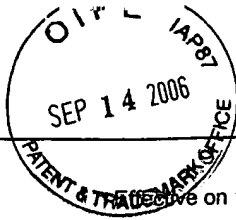
September 11, 2006

Date

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(10/14/03)

**FEE TRANSMITTAL FOR FY 2005**

Effective on 12/08/2004. Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

TOTAL AMOUNT OF PAYMENT (\$) \$790.00

Complete if Known:

Application No. 09/753,347
Filing Date December 29, 2000
First Named Inventor William D. Rupp
Examiner Name Patel, Jagdish
Art Unit 3624
Attorney Docket No. 03660.P019X3

Applicant claims small entity status. See 37 CFR 1.27.

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify)☒ **Deposit Account**Deposit Account Number : 02-2666

Deposit Account Name: _____

☒ **The Director is Authorized to do the following with respect to the above-identified Deposit Account:**☒ Charge fee(s) indicated below.☒ Charge any additional fee(s) or underpayment of fee(s) during the pendency of this application.☐ Charge fee(s) indicated below except for the filing fee☒ Credit any overpayments.☒ Any concurrent or future reply that requires a petition for extension of time should be treated as incorporating an appropriate petition for extension of time and all required fees should be charged.

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Provide credit card information and authorization on PTO-2038.

FEE CALCULATION**1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

| <u>Large Entity</u> | | <u>Small Entity</u> | | <u>Fee Description</u> | | <u>Fees Paid (\$)</u> |
|---------------------|-----------------|---------------------|-----------------|------------------------------------|-----------|------------------------|
| <u>Fee Code</u> | <u>Fee (\$)</u> | <u>Fee Code</u> | <u>Fee (\$)</u> | | | |
| 1011 | 300 | 2011 | 150 | Utility application filing fee | 1,000/500 | <u>\$00.00</u> |
| 1111 | 500 | 2111 | 250 | Utility search fee | | <u>\$00.00</u> |
| 1311 | 200 | 2311 | 100 | Utility examination fee | | <u>\$00.00</u> |
| 1012 | 200 | 2012 | 100 | Design application filing fee | 430/215 | _____ |
| 1112 | 100 | 2112 | 50 | Design search fee | | _____ |
| 1312 | 130 | 2312 | 65 | Design examination fee | | _____ |
| 1013 | 200 | 2013 | 100 | Plant filing fee | 660/330 | _____ |
| 1113 | 300 | 2113 | 150 | Plant search fee | | _____ |
| 1313 | 160 | 2313 | 80 | Plant examination fee | | _____ |
| 1004 | 300 | 2004 | 150 | Reissue filing fee | 1,400/700 | _____ |
| 1114 | 500 | 2114 | 250 | Reissue search fee | | _____ |
| 1314 | 600 | 2314 | 300 | Reissue examination fee | | _____ |
| 1005 | 200 | 2005 | 100 | Provisional application filing fee | | _____ |
| SUBTOTAL (1) | | | | | | <u>\$ 00.00</u> |

2. EXCESS CLAIM FEES

| | <u>Extra Claims</u> | <u>Fee from below</u> | <u>Fees Paid (\$)</u> |
|---|---------------------|-----------------------|-----------------------|
| Total Claims <u>8</u> - 20 or HP = <u>0</u> | | X <u>\$50.00</u> | = <u>00.00</u> |
| HP = highest number of total claims paid for, if greater than 20 | | | |
| Independent Claims <u>3</u> - 3 or 6 = <u>0</u> | | X <u>\$200.00</u> | = <u>00.00</u> |
| HP = highest number of independent claims paid for, if greater than 3 | | | |
| Multiple Dependent Claims | | | = |

| <u>Large Entity</u> | | <u>Small Entity</u> | | |
|---------------------|------|---------------------|------|--|
| Fee | Fee | Fee | Fee | |
| Code | (\$) | Code | (\$) | <u>Fee Description</u> |
| 1202 | 50 | 2202 | 25 | Each claim over 20 |
| 1201 | 200 | 2201 | 100 | Each independent claim over 3 |
| 1203 | 360 | 2203 | 180 | Multiple dependent claims, if not paid |
| 1204 | 200 | 2204 | 100 | Reissue: each claim over 20 and more than in the original patent |
| 1205 | 50 | 2205 | 25 | Reissue: each independent claim more than in the original patent |

SUBTOTAL (2) \$ 0.00**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| <u>Total Sheets</u> | <u>Extra Sheets</u> | <u>Number of each add'l 50 or fraction thereof</u> | <u>Fee from below</u> | <u>Fees paid (\$)</u> |
|---------------------|---------------------|---|-----------------------|-----------------------|
| <u>0</u> | - 100 = | <u> </u> / 50 = <u> </u> (round up to whole number) | X <u>\$250.00</u> | <u>00.00</u> |

| <u>Large Entity</u> | | <u>Small Entity</u> | | |
|---------------------|------|---------------------|------|--|
| Fee | Fee | Fee | Fee | |
| Code | (\$) | Code | (\$) | <u>Fee Description: Application size fee for each additional group of 50 sheets beyond initial 100 sheets (count spec & drawings except sequences & program listings):</u> |
| 1081 | 250 | 2081 | 125 | Utility |
| 1082 | 250 | 2082 | 125 | Design |
| 1083 | 250 | 2083 | 125 | Plant |
| 1084 | 250 | 2084 | 125 | Reissue |

SUBTOTAL (3) \$ 00.00

FEE CALCULATION (continued)**4. OTHER FEE(S)**

| | | | | Fees Paid (\$) | |
|---|----------|---------------------|----------|--|--------|
| Non-English Specification, \$130 fee (no small entity discount) | | | | | |
| <u>Large Entity</u> | | <u>Small Entity</u> | | | |
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description | |
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath | |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 | 130 | 1053 | 130 | Non-English specification | |
| 1812 | 2,520 | 1812 | 2,520 | For filing a request for ex parte reexamination | |
| 1813 | 8,800 | 1813 | 8,800 | Request for inter parties reexamination | |
| 1804 | 920* | 1804 | 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 | 1,840* | 1805 | 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 | 120 | 2251 | 60 | Extension for reply within first month | |
| 1252 | 450 | 2252 | 225 | Extension for reply within second month | |
| 1253 | 1,020 | 2253 | 510 | Extension for reply within third month | |
| 1254 | 1,590 | 2254 | 795 | Extension for reply within fourth month | |
| 1255 | 2,160 | 2255 | 1,080 | Extension for reply within fifth month | |
| 1401 | 500 | 2401 | 250 | Notice of Appeal | |
| 1402 | 500 | 2402 | 250 | Filing a brief in support of an appeal | |
| 1403 | 1,000 | 2403 | 500 | Request for oral hearing | |
| 1451 | 1,510 | 1451 | 1,510 | Petition to institute a public use proceeding | |
| 1452 | 500 | 2452 | 250 | Petition to revive - unavoidable | |
| 1453 | 1,500 | 2453 | 750 | Petition to revive - unintentional | |
| 1501 | 1,400 | 2501 | 700 | Utility issue fee (or reissue) | |
| 1502 | 800 | 2502 | 400 | Design issue fee | |
| 1503 | 1100 | 2503 | 550 | Plant issue fee | |
| 1462 | 400 | 1462 | 400 | Petitions to the Commissioner (CFR 1.17(f) Group I) | |
| 1463 | 200 | 1463 | 200 | Petitions to the Commissioner (CFR 1.17(g) Group II) | |
| 1464 | 130 | 1464 | 130 | Petitions to the Commissioner (CFR 1.17(h) Group III) | |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR 1.17(q) | |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Stmt | |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 | 790 | 2809 | 395 | For filing a submission after final rejection (see 37 CFR 1.129(a)) | |
| 1814 | 130 | 2814 | 65 | Statutory Disclaimer | |
| 1810 | 790 | 2810 | 395 | For each additional invention to be examined (see 37 CFR 1.129(b)) | |
| 1801 | 790 | 2801 | 395 | Request for Continued Examination (RCE) | 790.00 |
| 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application | |
| 1504 | 300 | 1504 | 300 | Publication fee for early, voluntary, or normal pub. | |
| 1505 | 300 | 1505 | 300 | Publication fee for republication | |
| 1803 | 130 | 1803 | 130 | Request for voluntary publication or republication | |
| 1808 | 130 | 1808 | 130 | Processing fee under 37 CFR 1.17(i) (except provisionals) | |
| 1454 | 1,370 | 1454 | 1,370 | Acceptance of unintentionally delayed claim for priority | |

Other fee (specify) _____

Other fee (specify) _____

SUBTOTAL (4) \$ 790.00

*Reduced by Basic Filing Fee Paid

SUBMITTED BY:Typed or Printed Name: Marina PortnovaSignature: *M. Portnova*Date: September 11, 2006Reg. Number: 45,750Telephone Number: 408-720-8300

Send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450